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08 DEC 1997

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Washington, DC 20005-3918

In re Application of : DECISION ON
SMIT et al :
Application No.: 08/807,506 :
PCT No.: PCT/NL95/00292 : PETITION
Int. Filing Date: 30 August 1995 :
Priority Date: 31 August 1994 : UNDER 37 CFR 1.181
Attorney's Docket No.: 236841/BO-41 :
For: Gradual Modification, Super-Agonists and :
Antagonist of Signal-Proteins and Peptides :

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 30 August 1995, applicants filed international application PCT/NL95/00292, which claimed priority of an earlier Netherlands application filed 31 August 1994. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 March 1996. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 March 1996, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 1997.

On 27 February 1997, applicants filed a transmittal letter a patent application in the United States, which was accompanied by, inter alia, the basic national fee; an English translation of the international application PCT/NL95/00292 and an executed declaration directed to the specification filed as PCT/NL95/00292. The application was processed as a filing under 35 U.S.C. 111(a).

DISCUSSION

Applicant's transmittal letter indicated "This is a REQUEST for FILING a PCT/USA National Phase Application based on: international application PCT/NL95/00292." Furthermore, applicant's declaration was directed to "the specification of which was described

and claimed in international application No. PCT/NL95/00292 filed on August 30, 1996." Thus, the declaration also served as an indication that the applicants were seeking to enter the national stage under PCT. Despite these indications, the application was treated as a filing under 35 U.S.C. 111(a). The filing status of this application will be corrected to a national stage application submitted under 35 U.S.C. 371. The papers from the International Bureau in connection with international application PCT/NL95/00292 have been placed in this national stage application.

Applicants are urged to use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter when submitting papers under 35 U.S.C. 371 for entry into the national stage in the United States. A copy of this form is enclosed with this decision for applicant's convenience.

CONCLUSION

Applicants' claim for priority is acknowledged. The application has an international filing date of 30 August 1995 under 35 U.S.C. 363 and a date of 27 February 1997 under 35 U.S.C. 371(c) and 102(e).

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision, that is for preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903). This application will then be forwarded to Application Processing Division for processing including the mailing of a corrected filing receipt. The application will then be forwarded to Group 1800.



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enclosure: Form PTO-1390